

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SANDISK CORPORATION,
Plaintiff,

No. C 09-02737 WHA

v.

**SUPPLEMENTAL ORDER
REGARDING RULE 706 EXPERT**

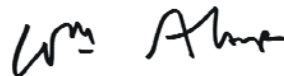
LSI CORPORATION,
Defendant.

AND RELATED COUNTERCLAIMS.

The Court apologizes if its prior order regarding the appointment of a Rule 706 expert was unclear. Under Rule 706, the undersigned seeks a testifying expert who is *one of ordinary skill in the art*. While the two candidates proposed by the parties are excellent lawyers, they do not meet this requirement — they are not persons having ordinary skill in the art *relevant to the subject matter and time frame* of the patents-in-suit. Please jointly submit **BY NOON ON WEDNESDAY, FEBRUARY 3, 2010**, two candidates that meet this criteria. Subject to motion practice, the Court envisions that this Rule 706 expert will testify not only at trial, but potentially at claim construction as well. As such, the two candidates should have qualifications of the type being considered by counsel for their own use in this litigation.

IT IS SO ORDERED.

Dated: January 25, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE